

Amend Sections 3033.2, 3033.3, and 3033.4 to read:

Section 3033.2. Definitions.

- (a) “Viroid-infected” means infected by the sunblotch viroid.
- (b) “Index” means testing a plant for viroid infection by grafting with tissue from it to avocado seedling indicator plants, ~~or by other approved means.~~
- (c) “Off-type” means different from the variety or selection listed on the application for registration.
- (d) “Candidate tree” means a selected tree for which registration as foundation stock is intended when inspection and testing for freedom from sunblotch viroid are completed.
- (e) “Foundation stock” refers to candidate trees after testing by the Department and/or University of California and are registered to serve as primary sources of scion budwood or seed propagating material.
- (f) “Increase block” means an orchard planting of trees propagated from registered budwood and foundation rootstock trees or from previously established increase blocks to provide sunblotch-tested propagative material.
- (g) “Registered” means that a registration number has been assigned by the Department to: (1) foundation stock trees, (2) increase blocks, and (3) nursery planting blocks found to be free of sunblotch viroid after inspection and testing in accordance with the provisions of this article.
- (h) “Registered stock” means seed, seedlings, cuttings, or scionwood produced from either registered foundation or registered increase block trees.
- (i) “Registered nursery tree” means trees propagated using seed and scionwood from registered foundation stock or registered increase block trees.
- (j) “Test” means any testing procedure using plant material or its extracts to determine the presence or absence of a disease agent in or on the tested plant material.

Authority: Sections 407 and 5823, Food and Agricultural Code.

Reference: Section 5821, Food and Agricultural Code.

Section 3033.3. General Provisions.

Participation in this program is voluntary and may be withdrawn at the option of the applicant. Registration, approvals, and supervision shall be conducted by the Department.

(a) Responsibility of Applicant. The applicant shall be responsible for:

- (1) The selection of the candidate tree.
- (2) The location of the increase block or nursery's tree plantings.
- (3) Application for registry or reregistry.
- (4) The proper maintenance of a planting being grown under the provisions of this article.
- (5) Maintaining the identity in an approved manner of all plants entered in the program.
- (6) Arrangements with the owner of the property on which the candidate trees or increase block trees are located so that inspections and collections of budwood for index-testing can be done with the owner's consent.
- (7) Farming and sanitation practices.
- (8) Placing the information required on each certification tag furnished by the Department including the participant's name and the block number.
- (9) Disinfection of cutting tools.

(b) Location of Planting. Each increase block planting shall be subject to the approval of the Department. A registered increase block or nursery tree planting (other than container-grown trees) in the ground shall be at least 300 feet from established nonregistered avocado trees. If nonregistered avocado trees are located within 300 feet of established registered avocado trees, the Department will determine whether or not the registered trees require ~~indexing~~ testing.

(c) Increase blocks or nursery plantings (in the ground) shall not be on land previously planted to avocados.

Authority: Sections 407 and 5823, Food and Agricultural Code.

Reference: Section 5821, Food and Agricultural Code.

Section 3033.4. Inspection and Testing Procedures; Eligibility of Stock; Refusal, Suspension or Cancellation of Registration.

(a) Generally. Inspection and testing procedures prescribed in this article may be made by the University of California and the Department, and shall be conducted in an approved manner at times determined as suitable by the Department. In the ~~indexing~~ testing procedures required in this section, the Department may approve the substitution of other indicator plants if equally suitable or may approve indexing on a fewer number of indicator plants, if the plant being tested is itself a good indicator for the sunblotch viroid or may approve other procedures for testing if determined equally suitable. Additional inspections or tests other than provided in this section may be required by the Department if any of these conditions exist: seasonal conditions or other factors tend to obscure the sunblotch viroid symptoms or make adequate inspection impossible; sunblotch viroid infection is suspected; sunblotch viroid symptoms may be masked in a particular variety.

(b) Eligibility of Stock.

(1) Candidate Tree. Each candidate tree shall be assigned an in-test identification number and shall be either:

(A) indexed for sunblotch viroid in an approved greenhouse facility under the supervision of the University of California and the Department . Each index test shall include indexing for sunblotch viroid by inoculating a minimum of 12 Guatemalan or West Indian variety avocado seedlings grown from registered foundation stock and graft-inoculated with tissue from the candidate tree. The inoculated seedlings shall be observed for a period of at least two years, except where results show a candidate tree is infected with sunblotch viroid. If no evidence of sunblotch viroid is found, the candidate tree may be registered as a foundation stock tree.

or,

(B) tested using the approved Polymerase Chain Reaction (PCR) developed to identify the sunblotch viroid. This test shall be performed by the University of California. Testing shall done in accordance with procedures established by the

Department. If no evidence of sunblotch viroid is found, the candidate tree may be registered as a foundation stock tree.

(2) Foundation Stock Tree. Candidate trees found to be free of sunblotch viroid following ~~index~~ testing may be registered for use as primary sources of stock for the production of registered seed and scion materials. Registration is for a two-year period beginning with the start of the ~~index~~ testing of the candidate tree. The in-test identification number of each candidate tree will become the tree registration number unless registration is refused or canceled as hereinafter provided.

(3) Increase Block. Trees propagated using foundation stock seed and budwood shall be acceptable for planting in an increase block. Propagative material from an increase block may be planted in the same increase block to replace plants or increase its size or to establish other increase blocks.

(A) The Department will assign a registration block number to each applicant's increase block upon receipt of an acceptable application and the proper fees.

(B) Registration of increase block trees shall be for a period of two years from June 30 in the calendar year in which the registration was issued.

(C) Registration of an increase block may be continuous provided application is filed with the Department prior to the expiration date of the original registration.

(4) Registered Nursery Tree. Nursery trees shall be propagated using registered seed and scionwood.

(A) Seed and budwood collection shall be done in a manner approved by the Department.

(B) The Department, upon receipt and acceptance of an application and fees for a registered nursery planting, will assign a registration number to the nursery planting block.

(C) Registration of a nursery planting shall be for a period of two years from June 30 in the calendar year in which the registration was issued.

(c) Refusal, Suspension or Cancellation of Registration. Registration may be refused, suspended, or canceled for any planting or portion thereof when:

- (1) The requirements of this article have not been met, or
- (2) The plant or plantings are found to be sunblotch viroid infected or off-type, or
- (3) A registered tree is found sunblotch viroid infected and it is determined that plants propagated from it also are liable to be infected, or
- (4) For any reason the identity of a plant or planting becomes uncertain or has not been properly maintained, or
- (5) A registration number is misused or misrepresented.

Authority: Sections 407 and 5823, Food and Agricultural Code.

Reference: Section 5821, Food and Agricultural Code.